

DOMESTIC RELATIONS COMMITTEE

Meeting Minutes – May 30, 2003

PRESENT:

Hon. Nanette Warner for Karen Adam
Hon. Mark Anderson, Co-Chair
Kat Cooper
Frank Costanzo
William Hart
Terrill Haugen
Hon. Karen Johnson, Co-Chair
Jennifer Jordan

Karen Kretschman for Janet Scheiderer
Hon. Dale Nielson
David Norton
Steve Phinney
Judy Walruff for Beth Rosenberg
Debbora Woods-Schmitt
Brian Yee
Jeff Zimmerman

NOT PRESENT:

Rene Bartos
Sidney Buckman
Beverly Frame
Nancy Gray

Ella Maley
Ellen Seaborne
Kelly Spence
Steve Wolfson

GUESTS:

Annalisa Alvrus
Tyne Naven
Sara Lunde
Rene Rebillot
Diane Brown
Daniel Cartagena
Raymond Last name unknown
Stephanie Reed

AZ Protective Parents Network
AZ Coalition Against Domestic Violence
AZ Coalition Against Domestic Violence
AZ Office of the Attorney General
AZ Protective Parents Network
Parent
Parent
AZ Protective Parents Network

STAFF:

Isabel Gillett
Megan Hunter

Marianne Hardy

CALL MEETING TO ORDER

Sen. Mark Anderson opened the meeting at 10:10 a.m. with a quorum present.

APPROVAL OF MINUTES

MOTION: Approve the minutes of the April 25, 2003 meeting as submitted.
The motion was seconded. Approved unanimously.

ANNOUNCEMENTS

Sen. Anderson discussed the CPS Commission Report and indicated that he will contact Noreen Sharp from Governor Napolitano's office to provide an overview of that report at the July 11th meeting.

Judy Walruff, Ph.D., was introduced as Beth Rosenberg's designee. Dr. Walruff also works with the Children's Action Alliance.

LEGISLATIVE UPDATE

MARIANNE HARDY

Legislation produced from the Domestic Relations Committee:

HB 2257 – Visitation Rights; Grandparents

Signed and chaptered.

HB 2258 – Child Custody; Jurisdiction

Signed and chaptered.

Other Domestic Relations-related Legislation:

HB 2017 – Parent Education Fee Increase

Signed and chaptered. The fee for the parent education class was increased from \$30 to a maximum of \$50.

KIDS FIRST

TERRILL HAUGEN & STEVE PHINNEY

Terrill Haugen and Steve Phinney, along with the Education/Prevention workgroup, are developing a proposal for a divorce education program in Arizona or more specifically a class focused on each member of the family including the children. Legislation would be needed for mandatory classes. Funding is available in the faith-based arena for this type of endeavor.

Rep. Johnson asked if this type of class could be made mandatory for high school seniors; perhaps by locating preventative classes in high schools. Another potential location are boys' and girls' clubs during the summer months.

The group will meet on June 27th from 10:00 a.m. – 12:00 p.m. for a working session and invited members to join at their pleasure. The group has also discussed classes for parents considering a divorce.

INTEGRATED FAMILY COURT (IFC)

Karen Kretschman reported on the progress of the IFC pilots projects. The Pinal County pilot project is underway, but utilizing a slightly different approach. Instead of overlapping juvenile and family cases and routing them to the family court, they will be routed to the juvenile court. Judge Figueroa has been named presiding judge of the IFC in Pinal County. Their Board of Supervisors are not interested in funding the IFC project.

The Coconino pilot has some strong interest from the Board of Supervisors. Coconino County is following the IFC plan as proposed by DRC as much as possible.

The AOC has submitted a funding proposal for some funds for the IFC pilot projects for FY 05. By that time, results from existing pilots will be known.

Maricopa is continuing and expanding their pilot and utilizing as many features from the IFC plan as proposed by this Committee as possible.

CALL TO THE PUBLIC

Raymond Cartagena, parent and firefighter, discussed his present situation in which he is being denied access to his child. He has been told by several agencies that nothing can be done to enforce access until he has a court order. His case was set out four months and he was denied an emergency hearing because his son was not in life threatening danger. Jeff Zimmerman explained that this is a paternity case with custody issues and the issue is the extraordinary length of time it takes to have a case heard in Maricopa County. Some members expressed concern about changing state law to address a Maricopa problem. Judge Warner recommended referring this to the Rules of Court for Domestic Relations Cases Committee. Rep. Johnson asked the Substantive Law Workgroup to address the issue.

BREAK/LUNCH

The meeting was called back to order at 1:14 p.m.

WORKGROUP REPORTS

Substantive Law – Jeff Zimmerman

The group began reviewing and discussing child custody reform issues for introduction in 2004. They discussed whether a parenting plan should be required in every case; eliminating the term “custody” to the extent possible; presumptions about parenting time; and domestic violence concerns.

Court Procedures – Brian Yee

The group began reviewing and discussing the issue of a dedicated family bench. The group also discussed statutorily reforming the current merit system, specifically, the way candidates are chosen. Currently, there is a penalty for having family law experience when applying for a judgeship. Frank Costanza mentioned that education is a key to the process. They will continue working on finding a solution.

Education/Prevention – Terrill Haugen

Members continued working on the Kids First proposal and announced they will meet as discussed previously on June 27th from 10:00 a.m. – 12:00 p.m.

CALL TO THE PUBLIC

Annalisa Alvrus, spoke as a task force member of the Arizona Board of Psychologists Examiners. The Board's mission is to regulate the psychology profession to protect Arizona's citizens, and license psychologists and make sure they provide quality services – not to protect psychologists. She explained that the only redress available to litigants is to complain to the Better Business Bureau or go to the Arizona Board of Psychological Examiners and ask that a psychologist be peer reviewed. If civil immunity and Board complaints are gone, then the public has no protection. From 1989-2001, 570 complaints were filed with the Board of which 115 arose from court custody matters. She believes that there is not a harassment issue.

Stephanie Reed, Arizona Protective Parents Network member, has been working with Rick Romley's office on the CPS report. She is concerned that Arizona's children are not being protected at the same level as those in other states. She is also concerned about domestic violence rates in domestic relations cases and frustrated by Jeff Zimmerman's comment during a workgroup meeting. She expressed support of using family court advisors in joint custody cases, especially in high conflict cases. Jennifer Jordan explained that Ms. Reed's portrayal of Jeff Zimmerman's comments during a workgroup meeting regarding domestic violence were misrepresented and that he and other Committee members are highly aware of domestic violence issues and would not downplay the importance of domestic violence.

NEXT MEETING

The next meeting will be held on July 11, 2003, at the Arizona State Courts Building, 1501 W. Washington, Conference Room 345, Phoenix.

ADJOURNMENT

Rep. Johnson adjourned the meeting at 2:00 p.m.